

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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MICHAEL FEHRENBACHER, Individually	:	
and On Behalf Of All Others Similarly Situated,	:	
	:	
Plaintiff,	:	C.A. No. 05-256-SLR
	:	
-against-	:	
	:	
XYBERNAUT CORPORATION, EDWARD G.	:	
NEWMAN, STEVEN A. NEWMAN, M.D.,	:	
AND THOMAS D. DAVIS,	:	
Defendants.	:	

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[additional captions on the following pages]

**MOTION OF THE FEHRENBACHER SHAREHOLDER GROUP FOR  
CONSOLIDATION OF ALL RELATED ACTIONS, APPOINTMENT OF LEAD  
COUNSEL, AND APPROVAL OF PROPOSED LEAD PLAINTIFFS' SELECTION OF  
LEAD COUNSEL**

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ROBERT H. AYLOR, JR., On Behalf Of  
Himself and All Others Similarly Situated,

Plaintiff,

C.A. No. 05-222-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, M.D., and  
THOMAS D. DAVIS

Defendants.

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MOSHE TAL, Individually and On Behalf Of  
All Others Similarly Situated,

Plaintiff,

C.A. No. 05-242-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, M.D., and  
THOMAS D. DAVIS,

Defendants.

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JEFFREY M. JASKOL AND STACEY J.  
JASKOL, Individually and On Behalf Of All  
Others Similarly Situated,

Plaintiff,

C.A. No. 05-268-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, M.D.,  
THOMAS D. DAVIS, BRUCE C. HAYDEN and  
GRANT THORNTON, LLP,

Defendants.

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JOSEPH DANIEL WAUHOP, On Behalf Of  
Himself and All Others Similarly Situated,

Plaintiff,

C.A. No. 05-310-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, M.D.,  
THOMAS D. DAVIS, JOHN F. MOYNAHAN and  
GRANT THORNTON, LLP,

Defendants.

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CHRISTINA W. DONNELLY, JOHN  
DONNELLY, JAMES G. WILLIAMSON and  
RICHARD W. DEARBORN, Individually and On  
Behalf Of All Others Similarly Situated,

Plaintiff,

C.A. No. 05-334-JJF

-against-

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, M.D.,  
THOMAS D. DAVIS, BRUCE C. HAYDEN and  
GRANT THORNTON, LLP,

Defendants.

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CHARLES W. SMITH, Individually and On  
Behalf Of All Others Similarly Situated,

Plaintiff,

C.A. No. 05-354-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.  
NEWMAN, STEVEN A. NEWMAN, M.D.,  
THOMAS D. DAVIS, BRUCE C. HAYDEN and  
GRANT THORNTON, LLP,

Defendants.

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Shareholders Michael Fehrenbacher, Anandamoy Sahoo, Hamed Hashem Alsabbagh, Ghaith Hashem Alsabbagh, and Rabab Hamed Naji (“Movants” or the “Fehrenbacher Shareholder Group”), respectfully submit this motion, pursuant to Section 27(a)(3) of the Securities Act of 1933, 15 U.S.C. § 77z-1(a)(3), and Section 21D(a)(3) of the Securities Act of 1934, 15 U.S.C. § 78u-4(a)(3), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), and Rule 42 of the Federal Rules of Civil Procedure, for an order: (i) consolidating the above-titled and related actions, (ii) appointing Movants as Lead Plaintiffs in this action and (iii) approving Movants’ selection of the law firms of Chimicles & Tikellis LLP (“Chimicles”) and Sarraf Gentile LLP (“Sarraf”) as Co-Lead Counsel for the Class.

This Motion is based on the brief filed concurrently herewith, the Affidavit of Robert R. Davis, the exhibits appended hereto, and the Court’s complete files and records in this action, as well as any oral argument the Court may request on this Motion.

Dated: June 14, 2005

CHIMICLES & TIKELLIS LLP

  
Pamela S. Tikellis (#2172)  
Robert J. Kriner (#2546)  
A. Zachary Naylor (#4439)  
Robert Davis (#4536)  
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Proposed Lead Delaware Counsel

OF COUNSEL:

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Ronen Sarraf (of the New York bar)  
Joseph Gentile (of the New York bar)  
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Proposed Lead Counsel

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